

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

CP01-01-008. Conditional Use Permit for a project located at 11740 Berryessa Road on a 7.17-gross acre site in the HI-Heavy Industrial Zoning District to allow a concrete/asphalt crushing and recycling facility (SRDC, Inc. Owner/Developer). Council District: 4

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **June 12, 2002**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **May 14, 2002** and ends on **June 12, 2002**.

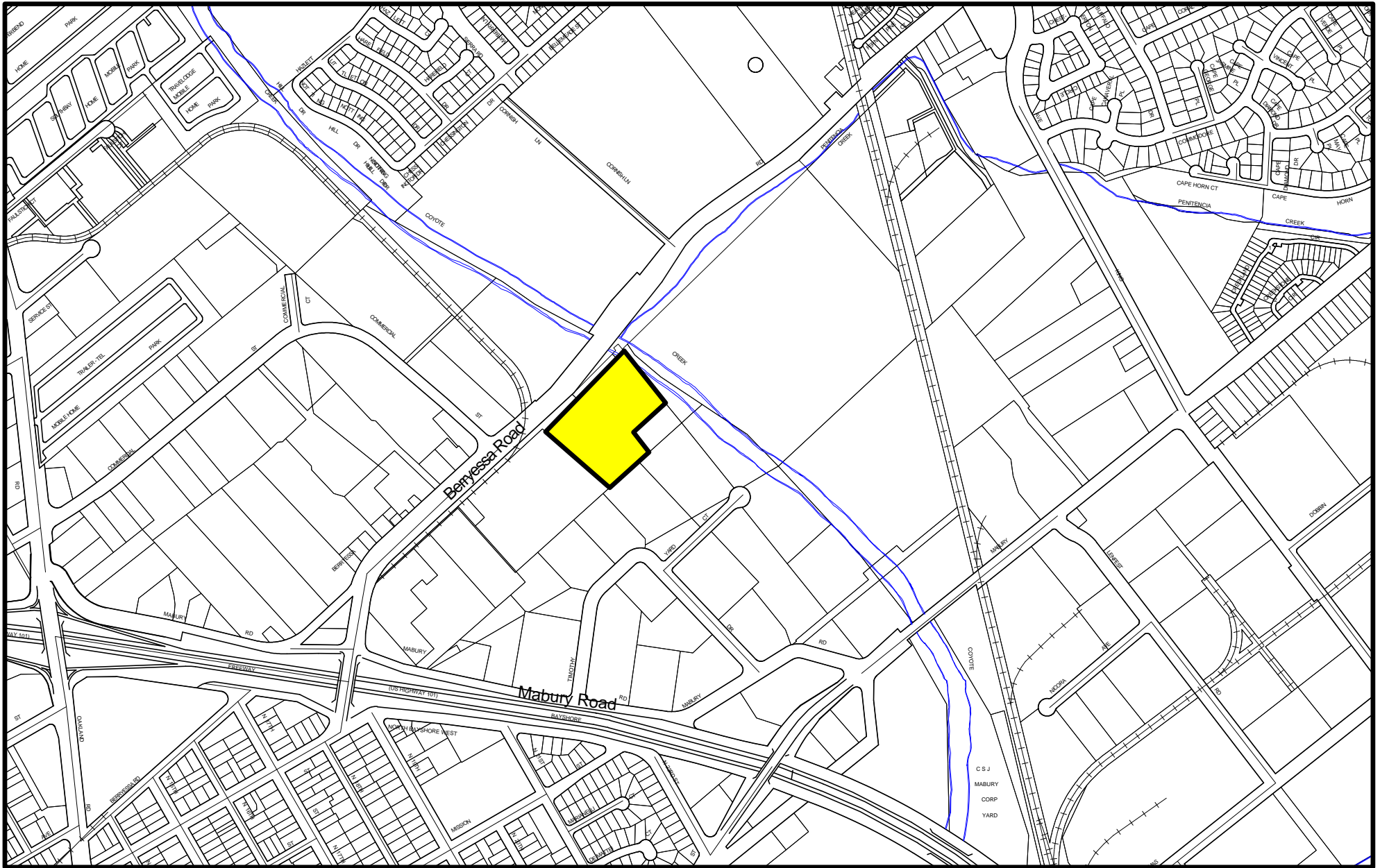
A public hearing on the project described above is tentatively scheduled for **June 12, 2002, at 6:00 p.m.** in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 180 W. San Carlos Street, and the Joyce Ellington Branch Library, 491 East Empire Street, San Jose, and online at <http://www.ci.san-jose.ca.us/planning/sjplan/eir/Ndenv.htm>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Jenny Nusbaum** at (408) 277-4576.

Stephen M. Haase, AICP, Director
Planning, Building and Code Enforcement

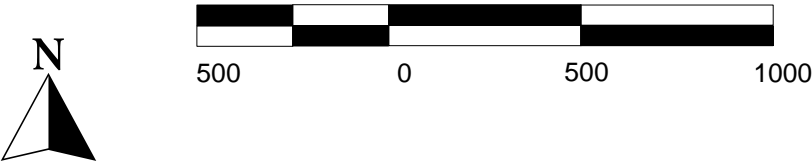
Ron Eddow

Deputy

Date: May 13, 2002



Scale: 1"=750'



File No: CP01-01-008

District:4

Quad No: 67

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: SRDC-Ferrari Concrete/Asphalt Crushing and Recycling Facility

PROJECT FILE NUMBER: CP01-01-008

PROJECT DESCRIPTION: Conditional Use Permit to allow a concrete/asphalt crushing and recycling facility on a 7.17-gross acre site. The permit is for a two-year non-renewable time period. The new facility will include a mobile crusher, radial stacker, truck scale, and other pertinent equipment. In addition, new fences, gates, and landscaping are proposed. Materials will generally be stockpiled in the southerly and westerly area of the site. No new buildings are proposed. One existing mobile building will remain.

PROJECT LOCATION & ASSESSORS PARCEL NO.: South side of Berryessa Road approximately 400 feet northerly of Timothy Drive (11740 Berryessa Road); 254-13-090

COUNCIL DISTRICT: 4

NAME OF APPLICANT: SRDC Inc., Attention: Thomas Bylund

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON:

1265 Montecito Avenue, Suite #200, Mountain View, CA 94043-4506

Phone: 650-961-2742

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. **Air Quality.** While the project is under construction and during dust generating operations, the developer shall implement effective dust control measures to prevent dust and other airborne matter

from leaving the site. The following construction practices shall be implemented during all phases of construction on the project site. With the inclusion of these mitigation measures, the short-term air quality impacts associated with construction will be reduced to less-than-significant levels.

- a. Use dust-proof chutes for loading construction debris onto trucks
- b. Water to control dust generation during demolition of structures and break-up of pavement
- c. Cover all trucks hauling demolition debris from the site
- d. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind
- e. Cover all trucks hauling soil, sand, or other loose materials, or require trucks to maintain at least two feet of freeboard
- f. Sweep daily (preferably with water sweepers) all paved access road, parking areas, and staging areas at construction sites
- g. Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets
- h. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways
- j. Replant vegetation in disturbed areas as quickly as possible

2. **Biological Resources Impacts.** The project operations will be set back a minimum of 300 feet from the riparian corridor. Wildlife mitigation measures and ordinance tree mitigation measures shall be per the recommendations of the Riparian Survey updated August 29, 2001, and Tree Survey dated July 26, 2001 for a Concrete Recycling Facility project located at 11740 Berryessa Road, San Jose prepared by H.T. Harvey and Associates. The recommended mitigation measures in these reports shall be implemented as permit conditions.

3. **Hydrology and Water Quality Impacts.**

- a. *Hydrology.* An elevation certificate is required prior to the issuance of a building permit. Structures shall be required to elevate the finished floor to base flood elevation or floodproof to one foot above base flood elevation. Prior to Public Works clearance, the owner must propose acceptable measures to remedy the conditions created by the unpermitted berm. This may include removing the existing berm and reconstructing it out of the floodway. These solutions must be presented and be acceptable to the City of San Jose and other agencies with jurisdiction over the creek.
- b. *Water Quality.* As a condition of the permit, the applicant shall be required to submit a Storm Water Pollution Prevention Plan in compliance with requirements of the Clean Water Act for non-point discharges, which would include measures to reduce discharges. Implementation of the plan would ensure compliance with water quality standards and waste discharge requirements.
- c. *Wells and Water Quality.* In accordance with the requirements of the Santa Clara Valley Water District and applicable local, State, and Federal laws, the applicant shall implement the following measures.


- 1) File Water Production Statements with the Santa Clara Valley Water District (SCVWD) in accordance with the SCVWD's filing requirements.
 - 2) Maintain the well on the subject site so that it does not present a danger to public health or to the groundwater resources in accordance with the SCVWD's maintenance requirements.
 - 3) Properly destroy the well if it is no longer being used. All well destruction activities must be completed under permit from the SCVWD and by appropriately licensed personnel.
4. **Noise.** One very specific atypical condition generates ground-borne vibration that is perceptible at the property line of the site. When the Caterpillar 245 makes extreme reaches with its loading bucket, the machine can tilt forward lifting the back end of the machine off the ground. When it hits the ground again, slight shaking is perceptible at the property line. Mitigation consists of instructing equipment operators to be aware of the condition that causes perceptible ground-borne vibration and to avoid this condition. This mitigation measure shall be implemented as a permit condition.

PROTEST OF A MITIGATED NEGATIVE DECLARATION

Any person may file a written protest of the draft Mitigated Negative Declaration before 5:00 p.m. on **June 12, 2002**. Such protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San José, Room 400, with payment of a \$50 filing fee. The written protest should make a "fair argument" that the project will have one or more significant effects on the environment based on substantial evidence. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the draft Mitigated Negative Declaration to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP, Director
Planning, Building and Code Enforcement

Circulated on: May 13, 2002



Deputy

Adopted on: _____

Deputy

PUBLIC HEARING NOTICE

The Planning Commission of the City of San Jose will hold a public hearing on **Wednesday, June 12, 2002**. This public hearing will be held in accordance with Title 20 of the San Jose Municipal Code.

The public hearing is to be in the City Council Chambers, on the second floor of City Hall, at 801 North First Street, San Jose, California, at **6:00 p.m.** or as soon thereafter as this item can be heard. You are welcome to attend and to speak on this issue. If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.

The decision of the Planning Commission may be appealed in accordance with the requirements of the San Jose Municipal Code. Instructions for filing an appeal are available from the Department of Planning, Building and Code Enforcement.

The project being considered is:

CP 01-01-008. Conditional Use Permit for a project located at the south side of Berryessa Road approximately 400 feet northerly of Timothy Drive (11740 Berryessa Road) on a 7.17-gross-acre site in the HI-Heavy Industrial Zoning District for a concrete/asphalt crushing and recycling facility (SRDC, Incorporated, Owner/Developer.) Council District 4. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are on file and available for review 9:00 a.m. to 5:00 p.m., Monday through Friday at:

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110
(408) 277-4576

www.ci.san-jose.ca.us/planning/sjplan/

A staff report with recommendations will be available for your review during the week of the Public Hearing at the Department of Planning, Building and Code Enforcement.

To arrange an accommodation under the Americans With Disabilities Act to participate in this public meeting, please call (408) 277-4576 (VOICE) at least 48 hours before the meeting.

Comments and questions are welcome and should be referred to the Project Manager, **Jenny Nusbaum**, of the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project. For your convenience, contact Linda LaCount at the above telephone number the week of the public hearing to verify that this item will be heard and is not scheduled for deferral to a later date.

Stephen M. Haase, Director
Planning, Building and Code Enforcement

Andrew Crabtree, Senior Planner
Dated: May 13, 2002
500 feet